

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACCESS 4 ALL, INC., a Florida Not-For-Profit	:	
Corporation, and NELSON M. STERN,	:	
Individually,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-2923
	:	
v.	:	Judge Leonard B. Sand
	:	Magistrate Judge Frank Maas
ULSTER HEIGHTS PROPERTIES, INC., a	:	
New York Corporation,	:	
	:	
Defendants.	:	

DEFAULT FINAL JUDGMENT AGAINST
DEFENDANT, ULSTER HEIGHTS PROPERTIES, INC.

THIS MATTER is before the court upon the Plaintiffs, ACCESS 4 ALL, INC., and NELSON M. STERN Motion For Entry of Judgment After Default, and it appearing to the Court that the Clerk of the United States District Court has entered a Certificate of Default against the Defendant, ULSTER HEIGHTS PROPERTIES, INC, on February 4, 2008. The Court has carefully considered the merits of said Plaintiffs' Motion For Entry of Judgment After Default and has reviewed the entire Court file.

Accordingly, after due consideration, it is

FOUND, ORDERED and ADJUDGED as follows:

1. That this Court has personal jurisdiction over the parties hereto and the subject matter herein;
2. That the Default entered by the Clerk of the United States District Court for the Southern District of New York against the Defendant on February 4, 2008 is hereby approved and ratified;

3. The Plaintiffs' Motion for Default Judgment, be and the same is hereby GRANTED as follows:

a. The Defendant, ULSTER HEIGHTS PROPERTIES, INC., be and the same is hereby ORDERED to comply with all sections of the Americans With Disabilities Act (hereinafter "ADA"), 42 U.S.C. § 12181, et seq., and the ADA Accessibility Guidelines (hereinafter "ADAAG"), 28 C.F.R. Part 36, and as specifically set forth in the Plaintiffs' Amended Complaint attached to the instant Motion For Entry of Judgment After Default, for all of which let execution issue. The Defendant shall have up to and including four (4) months from the date of this Default Final Judgment to comply with the provisions of this Judgment, in respect to the Prel Plaza, located at 60 Dutch Hill Road, Orangeburg, New York. On or before four (4) months from the date of this Default Final Judgment, the Plaintiff shall file with this Court an appropriate Notice of Compliance, setting forth in detail whether the Defendant has conformed its premises to the requirements of the ADA;

b. Plaintiffs shall also recover the attorneys fees and costs and the expert's fees, from the Defendant, ULSTER HEIGHTS PROPERTIES, INC., and this Court retains jurisdiction for the determination and award thereof. In accordance herewith, the Plaintiffs shall file an application for attorneys and expert fees, litigation expenses and costs, within 30 days of entry of this Final Default Judgment. This matter will be referred for an evidentiary hearing to a United States Magistrate on a date to be set for the sole purpose of determining the amount of attorneys and expert's fees, litigation expenses and costs to be awarded to Plaintiffs.

c. The Court shall retain jurisdiction over the above-styled cause solely to enforce compliance with this Judgment;

d. Immediately upon receipt of this Judgment, the Plaintiffs shall personally serve a copy, via certified, return receipt U.S. Mail, of this Default Final Judgment and the instant Motion

For Entry of Judgment After Default upon the appropriate agent for the Defendant, ULSTER HEIGHTS PROPERTIES, INC., and shall certify to this Court that such service has been made; and

e. To the extent not otherwise disposed of herein, all pending Motions are hereby DENIED as moot.

ORDERED and ADJUDGED in Chambers at New York, New York, this _____ day of _____, 2008.

United States District Court Judge